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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/811,574	03/29/2004	Cory Wajda	FKL-012	2096

37694	7590	12/11/2007
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EXAMINER	
LAFOND, RONALD D	

ART UNIT	PAPER NUMBER
1792	

NOTIFICATION DATE	DELIVERY MODE
12/11/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/811,574

Applicant(s)

WAJDA ET AL.

Examiner

Ronald D. Lafond

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 November 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) 3 and 10-19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2 and 4-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 6/07/2004.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

1. Applicant's election of Group I, Species A, in the reply filed on November 2, 2007, is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).
2. Claims 3 and 10, and 11 – 19 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species and invention, respectively, there being no allowable generic or linking claim.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 2, and 4 – 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Fong, et al. (United States Patent 5,812,403, hereafter Fong).
5. Regarding Claims 1 and 8, Fong teaches a method of determining coating status (see Column 9, lines 3 – 19) of a ceramic substrate heater in a processing system (see Column 8, lines 39 – 44, and Column 9, lines 46 – 63), the method comprising: determining a threshold value of an optical emission intensity or the ceramic substrate heater (see Column 39, lines 54 – 67, and Column 40, lines 1 and 2); heating the ceramic substrate heater to a desired temperature (see Column 55, lines 13 – 28); exposing the ceramic substrate heater to a reactant gas during a process (see Column 55, lines 66 and 67, and Column 56, lines 1 – 19); monitoring a measured value of optical emission from the heated ceramic substrate heater during the process and comparing the measured value to the threshold value to determine coating status of the ceramic substrate heater (see Column 39, lines 27 – 53; note that the effluent gas being sampled in Fong would necessarily include gases produced from the reaction of the cleaning gases with the residues on the surface of the ceramic substrate heater, thus inherently

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monitoring the emissions from the ceramic substrate heater as well as emissions from other surfaces of the chamber that are being cleaned); and based upon the status from the monitoring, performing one of the following: (a) continuing the exposing and monitoring, and (b) stopping the process when the measured value is approximately equal to the threshold value (see Column 38, lines 1 – 67, Column 39, lines 1 – 67, and Column 40, lines 1 – 17, and especially Column 39, lines 35 – 43).

6. Regarding Claim 2, Fong teaches the method wherein exposing comprises exposing the ceramic substrate heater to a cleaning gas for removing a material coating from the ceramic substrate heater in a chamber cleaning process (see again Column 8, lines 39 – 44 and lines 60 – 67, and Column 9, lines 46 – 63).

7. Regarding Claim 4, Fong teaches the method according to Claim 1, wherein the monitoring comprises detecting infrared optical emission (see Column 8, lines 52 – 67, and Column 9, lines 1 – 26).

8. Regarding Claims 5 and 6, Fong teaches the method according to Claim 1, wherein the monitoring comprises comparing the optical emission intensity to a threshold value, the threshold value being a fixed intensity value or a ratio of the optical emission intensity and an initial optical emission intensity, and wherein the performing (b) comprises stopping the process after a threshold value has been reached (see again Column 39, lines 27 – 67, and Column 40, lines 1 and 2).

9. Regarding Claim 7, Fong teaches the method according to Claim 1, wherein the heating comprises heating a ceramic substrate heater supporting a substrate (see, e.g., Column 8, lines 44 – 48).

10. Regarding Claim 9, Fong teaches the method according to Claim 8, wherein determining the threshold value includes determining the optical emission intensity of the ceramic substrate heater having no coating formed thereon, and wherein the exposing comprises exposing the heated ceramic substrate heater having a material coating formed thereon to a cleaning gas for removing the material coating in a chamber cleaning process (see citations above).

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronald D. Lafond whose telephone number is (571) 270-1878. The examiner can normally be reached on M - F, 9:30 AM - 6 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Cleveland can be reached on (571) 272-1418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


RDL


FRED J. PARKER
PRIMARY EXAMINER